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Attorneys for CPIF California, LLC

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:

AGTJ13, LLC,

Debtor.

Case No. 2:24-bk-11409-SK

Chapter 11

In re:

AGTJ13, Manager LLC,

Debtor.

Case No. 2:24-bk-11412-SK

Chapter 11

**NOTICE OF MOTION OF CPIF
CALIFORNIA, LLC FOR
ADEQUATE PROTECTION**

Date: April 10, 2024

Time: 9:00 a.m.

Place: Courtroom 1575

255 E. Temple Street

Los Angeles, CA 90012

NOTICE OF HEARING ON MOTION

**TO THE HONORABLE SANDRA R. KLEIN, UNITED STATES
BANKRUPTCY JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE
AND ALL PARTIES INTEREST:**

NOTICE IS HEREBY GIVEN that on April 10, 2024, at 9:00 a.m., in Courtroom 1575 of the United States Bankruptcy Court for the Central District of California, located at 255 E. Temple Street, Los Angeles, CA 90012, a hearing will be held on the motion (the “Motion”) of CPIF California, LLC (the “Lender”) for an order granting Lender adequate protection and prohibiting the use of cash collateral pursuant to Section 363(e) of the Bankruptcy Code.

The Motion is brought because the Lender believes that the rents from the Subject Property belong to the Lender under the recorded ALR and Amended ALR given the Lender’s enforcement of the assignment of rents on the basis of the Borrower’s defaults and are not property of the bankruptcy estate. Without limiting or waiving that argument in any way, at minimum, the rents from the Subject Property constitute the Lender’s cash collateral and the Lender has not consented to the use of its cash collateral, has not consented to the rents being deposited in an account other than the account subject to the DACA, and has not been offered or provided with any adequate protection of its interest in the rents. Accordingly, the rents from the Subject Property are not property of the Debtors’ bankruptcy estate. Even assuming, *arguendo*, that the rents from the Subject Property are property of the Borrower’s bankruptcy estate (which they are not), at minimum the rents would be considered the Lender’s cash collateral entitled to adequate protection.

NOTICE IS FURTHER GIVEN that the Motion, the accompanying Memorandum of Points and Authorities, the Declaration of Roberts Shields, and any other admissible evidence properly brought before the Court.

NOTICE IS FURTHER GIVEN that the Motion is being heard on regular notice pursuant to LBR 9013-1. If you wish to oppose this Motion, you must file a written

1 response with the court and serve a copy of it upon the Movant or Movant's attorney at the
2 address set forth above no less than fourteen (14) days prior to the above hearing date. If
3 you fail to file a written response to this Motion within such time period, the court may
4 treat such failure as a waiver of your right to oppose the Motion and may grant the
5 requested relief.

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7 Dated: March 11, 2024

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9 BENESCH, FRIEDLANDER, COPLAN & ARONOFF
10 LLP

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12 By:

/s/ Krista M. Enns

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ANTONIA STABILE, Cal. Bar No. 329559

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